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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES LEE REDDEN, JR.,

Defendant.

Criminal No. CR 00-40103 DLJ  
CR 07-0802 VRW

**UNITED STATES' REPLY TO THE  
DEFENDANT'S NOTICE OF  
RELATED CASE**

**I. Introduction**

On January 28, 2008, counsel for the government received a copy by mail of the defendant's motion for Notice of related case in the above captioned matters. (See Attachment)

The government opposes the defendant's notice of related case on the grounds that there is no prior matter that is pending before this Court pursuant to Crim. L. R. 8.1(b). Furthermore, assigning the new matter to the Oakland venue is not likely to conserve judicial resources or promote an efficient determination of the action.

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**UNITED STATES' REPLY TO DEFENDANT'S NOTICE OF RELATED CASE  
CR 07-0802 VRW**

## II. Background

The defendant, Charles Lee Redden, Jr., was indicted on December 18, 2007 by a Grand Jury sitting in the San Francisco Division of the Northern District of California for violating Title 18, United States Code, Sections 751(a) and 4082(a)—Escape from Custody. The recent matter was assigned to the Honorable Chief Judge Vaughn R. Walker with the case number, 07-0802. The charges stem from the defendant's alleged escape from the Cornell Corrections Residential Re-Entry Center on 111 Taylor Street, San Francisco, CA, where he was confined by virtue of a conviction and sentence imposed in a prior matter, CR 00-40103, by the Honorable D. Lowell Jensen. The defendant was arraigned on January 2, 2008. On the date of the arraignment, the defendant expressed his desire to waive his right to counsel and to proceed *pro se*. A *Faretta* hearing was held on January 3, 2008, whereby the Magistrate Court explained to the defendant the charges against him, the maximum penalties, and the potential dangers the defendant would face if he represented himself. The defendant proceeded with the waiver and the Magistrate Court later found that the defendant's waiver of counsel was done knowingly, intelligently, and unequivocally.

The parties stipulated to an exclusion of time under the Speedy Trial Act from January 3, 2008 through January 17, 2008, and from January 18, 2008 through February 21, 2008, to allow the defendant time for effective preparation and time for the defendant to file a Notice of Related Case in the matter.

## III. Argument

Crim. L. R. 8-1(b) defines a related case in *pending* criminal actions under two scenarios: (1) when both actions concern one or more of the same defendants and the same alleged events, occurrences, transaction or property; or (2) when both actions appear likely to entail substantial duplication of labor if heard by different Judges or might create conflicts and unnecessary expenses if conducted before different Judges.

The new matter, CR 07-0802 VRW, is not related to the prior matter, CR 00-40103 DLJ, since the prior matter is not pending. Unlike in other instances wherein a prior matter is reopened due to a Probation Office Form 12 that is filed and related to a latter case charging the

1 underlying violations which form the basis of the Form 12, there is no Form 12 or any other  
2 matter pending in the prior case since the defendant allegedly escaped while he was in the  
3 custody of the Bureau of Prisons prior to being placed on supervised release. Thus, by definition,  
4 there is no other criminal action that is pending from which the new matter can be related back.  
5 Hence, the only matter that is pending are the charges of the new matter, CR 07-0802 VRW.

6 In addition, the assignment of the new matter is not likely to conserve judicial resources  
7 or promote an efficient determination of the action. On the contrary, assigning the new matter to  
8 the Oakland venue will produce inefficiencies, particularly on the part of the government and its  
9 witnesses. The lead attorney and case agent on the matter are based in San Francisco.  
10 Furthermore, should this matter proceed to trial, the government anticipates calling current  
11 employees of the Cornell Corrections Center as well as officers of the San Francisco Police  
12 Department to testify. These witnesses are also based in San Francisco.

#### 13 IV. Conclusion

14 Because there is no prior criminal action that is actually pending before the Court;  
15 because relating back the matter is not likely to conserve judicial resources or promote an  
16 efficient determination of the action; the government requests that the Court deny the defendant's  
17 Notice of Related case to relate the new matter back to his prior case.

18 JOSEPH P. RUSSONIELLO  
19 United States Attorney

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21 DATED: 1/30/08

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